

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEAN JADEL ALEXANDRE,)	
Petitioner,)	
v.)	C.A. No. 04-10319-PBS
)	
BRUCE CHADBOURNE,)	
Bureau of Immigration)	
and Customs Enforcement,)	
Respondent.)	

PROCEDURAL ORDER

On February 17, 2004, counsel for petitioner Jean Jadel Alexandre, an immigration detainee, filed a petition for a writ of habeas corpus. In the petition, but not by separate motion, petitioner seeks a stay of removal.

This action was assigned to Judge Saris as related to Alexandre v. Farquharson, C.A. No. 03-12357-PBS (dismissed by voluntary stipulation). Judge Saris is not at the Court this week and will not return until Monday, February 23, 2004. The petition was referred to me as the judge assigned to emergency matters. Counsel for the Department of Homeland Security has orally informed a deputy clerk of this Court that Mr. Alexandre is not scheduled to be removed until March 1, 2004.

Because it appears that removal is not imminent and, in any event, will not occur before Judge Saris returns, I am not addressing the merits of the request for a stay of removal and will leave consideration of any such request to Judge Saris, who is familiar with this dispute. However, I am directing

that the petition be served forthwith.

The Clerk is directed to serve the petition, by certified mail, upon: (1) Bruce Chadbourne; (2) Andrea Cabral, the Sheriff of Suffolk County; (3) the United States Attorney; and (4) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000) (a petitioner's legal custodian is the individual having day-to-day control over the facility in which petitioner is being detained), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see Mass. Gen. Laws ch. 126 § 16 (sheriff shall have custody and control of the jails in his county.. . .and shall be responsible for them). The petition shall also be faxed to Mr. Crowley.

The Respondent shall file an answer or other responsive pleading to the petition on or before Monday, February 23, 2004.

The Court shall be provided with at least 48 hours notice of any scheduled deportation or removal of petitioner.

SO ORDERED.

Dated at Boston, Massachusetts, this 18th day of February, 2004.

s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE